IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO. 346 OF 2004
IN
SUMMARY SUIT NO. 785 OF 2004

Ashok R. Karapurkar & Ors. .. Plaintiffs.

v/s.

Jashwantlal Kantilal (ANK) Pvt.Ltd., ..Defendants.

Shri S. Nagvedri i/by M/s. Mehta & Co. for the Plaintiffs.
None for the Defendants.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 07th June 2005

PC :

1. Affidavit proving service, tendered by Shri Nagvadaria, is taken on record. The name of the defendants' Advocate appears on Board. None appears, although a copy of the summons for judgment has been served as early as on 5th of May, 2004. There is no affidavit in reply to the summons for judgment either.

2. The plaint averments are uncontroverted. The summons for judgment was taken out after writ of summons was duly served, claiming an amount of Rs. 12,08,382/- from the defendant. The claim arises out of a written contract evidenced by the bills and

delivery challans. The goods in question have been duly received and utilised. No payment has been made either after receipt of the goods within the time stipulated in the bills or after receipt of the suit notice.

3. In the circumstances, the plaintiff is entitled to a judgment in his favour. There shall be decree as prayed for.

4. Original documents alongwith the list taken on record and marked ‘X’ for identification. Refund of court fees as well as Advocate’s cost to be computed as per Rules. Certified copy of the Decree is expedited.

(S.C.DHARMADHIKARI, J.)